

Amendment No. 1 to HB0855

Matlock  
Signature of Sponsor

**AMEND Senate Bill No. 728\***

**House Bill No. 855**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 23, is amended by adding the following as a new section:

(a) The department of transportation may establish a sponsorship program that allows a person or entity to sponsor a welcome center or rest area through the provision of highway-related services, products, or monetary contributions. The department may consult the departments of safety and tourist development in developing the program. The department may enter into a sponsorship agreement to obtain sponsorship for the welcome centers and rest areas and acknowledge a sponsor for the provision of the service, product, or monetary contribution.

(b) A sponsorship program shall allow the installation of acknowledgment signs or markers, or the inclusion of sponsorship messages on existing signs or markers, within the rest areas and welcome centers, and on the portions of the interstate system and state system of highways and associated rights-of-way near the rest areas and welcome centers.

(c) The department shall prefer sponsorship by persons or entities that have a transportation purpose or otherwise promote highway safety.

(d) This section does not authorize signs or markers, or inclusion of sponsorship messages, that advertise or promote commercial products or services through slogans, information on where to obtain the products and services, or other means.

(e) Sponsorship agreements, sponsorship policies, and signs or markers authorized under this section shall be consistent with:

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- (1) The Manual on Uniform Traffic Safety Devices;
  - (2) Order 5160.1A, *Policy on Sponsorship Acknowledgment and Agreements within the Highway Right-of-Way* dated April 7, 2014, issued by the federal highway administration; and
  - (3) Other applicable state and federal laws and guidelines.
- (f) A person or entity that enters into a sponsorship agreement with the department for a sponsorship shall pay the costs of:
- (1) Manufacturing and installing a sign or marker;
  - (2) Placing a sponsorship message on a sign or marker; and
  - (3) Removing a sponsorship message, sign, or marker after the expiration or termination of the sponsorship agreement.
- (g) The revenue generated from a sponsorship for any facilities on which federal-aid funds are used shall be deposited into the highway fund to be used solely for highway purposes. The revenue generated from a sponsorship for any facilities on which federal-aid funds are not used shall be deposited into the highway fund to be used to offset costs associated with providing the facility being sponsored or for highway purposes; provided, that the department is urged to use the revenue for highway purposes.
- (h) If the department establishes a sponsorship program, then the department shall adopt a sponsorship policy on sponsorship agreements that applies to all welcome centers and rest areas along the highways of the interstate system and state system of highways and associated highways and highway rights-of-way; provided, that provisions

of the policy regarding welcome centers shall be developed in cooperation with the department of tourist development. The sponsorship policy shall:

- (1) Be subject to approval by the federal highway administration;
  - (2) Include requirements that eligible sponsors comply with state and federal laws prohibiting discrimination based on race, religion, age, sex, national origin, and other applicable laws;
  - (3) Include language requiring the department to terminate a sponsorship agreement, if it determines the sponsorship agreement or acknowledgment sign or marker:
    - (A) Presents a safety concern;
    - (B) Interferes with the free and safe flow of traffic; or
    - (C) Is not in the public interest; and
  - (4) Describe the types of sponsors and sponsorship agreements that are acceptable and consistent with applicable state and federal laws.
- (i) A sponsorship message:
- (1) Shall identify the sponsor as a sponsor of the welcome center or rest area and include only the name and logo of the sponsor;
  - (2) Shall not include, identify, or promote:
    - (A) Alcohol or tobacco products;
    - (B) Adult-oriented establishments, as defined in § 7-51-1102 or § 7-51-1401;
    - (C) Political candidacies, political issue advocacy, or political campaign advertising; or
    - (D) Any unlawful conduct or activities;
  - (3) Shall not resemble an official traffic-control device, as defined in § 55-8-101; and

(4) Shall comply with federal outdoor advertising regulations in accordance with 23 U.S.C. § 131.

(j) In consultation with the departments of safety and tourist development, the department of transportation is authorized to promulgate rules necessary to effectuate this section. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.